COBURN & CROFT
ATTORNEYS AND COUNSELORS AT LAW
ONE MERCANTILE CENTER-SUITE 2900
ST. LOUIS, MISSOURI 63101
(314) 621-8575
TELECOPY (314) 621-2989

120 WEST MAIN STREET, SUITE 202
BELLEVILLE, ILLINOIS 62220
(618) 277-1020
REPLY TO ST. LOUIS

June 29, 1993

Kevin P. Holewinski, Esq.
United States Department of Justice
Environmental Enforcement Section
P. O. Box 7611
Ben Franklin Station
Washington, D.C. 20044

Re: United States vs. NL Industries

Dear Kevin:

By this correspondence, defendants are responding to your letters regarding the proposal of the United States to reopen the administrative record for the NL Industries/Taracorp Superfund Site in Granite City, Illinois.

On June 10, 1993, the United States Environmental Protection Agency ("U.S. EPA"), in response to a mandate in Section 403, Title X, of the Housing and Community Development Act, held a meeting in Washington to discuss its efforts to identify dangerous levels of lead in paint, house dust, and soil. We understand that during the meeting U.S. EPA set forth its current strategy for addressing remediation of soil lead. In particular, the agency announced that it is developing a strategy to establish an upper bound, somewhere between 2,000 and 4,000 parts per million ("ppm"), below which excavation of soil would be unnecessary, and a lower bound between 350 and 500 ppm, below which no action would be necessary. In between these bounds, activities other than soil excavation may be necessary.

At the meeting, the U.S. EPA representative also noted that the agency would be revising its guidance criteria for the cleanup of lead at superfund sites. A major reason for the agency's position is several government sponsored studies in urban areas over recent years which indicate that there is little correlation between blood lead levels in children and soil lead levels in the surrounding areas. In particular, the Baltimore and Boston soil removals, where extensive excavation of soil occurred, had little or no effect on subsequent blood lead levels in children. This is consistent with the results announced to

date from the Granite City Health Study.

Prior to receiving information regarding the recent EPA proceedings, defendants had intended to reject the government's proposal and to file a dispositive motion premised on the government's failure to give notice as required by CERCLA and other deficiencies with the remedy selection process. After considering the latest EPA pronouncements, however, we are willing to agree to a stay of the litigation to afford the government an opportunity to reconsider all of the information pertaining to the issue of residential soil removal in Granite City. Defendants will therefore consent to reopening, provided the government agrees that defendants' consent is without prejudice or waiver of any substantive or procedural rights (e.g., appointment of a technical advisor).

In addition, defendants' consent is subject to the following three conditions: first, a good faith statement from the government that the specific information addressed by U.S. EPA headquarters in preparation for the June 10, 1993 meeting will be appropriately evaluated in reconsidering the remedy at the Granite City Superfund Site; second, a clarification by the government as to what it expects defendants to forego in return for reopening the record; and, third, a statement of the procedure for reopening the record, considering comments, and reaching a decision in the context of the present case.

Upon an acceptable response to these concerns, defendants will agree as outlined above.

Very truly yours,

Louis F. Bonacorsi

LFB:dp

cc: The Honorable James L. Foreman
All Counsel of Record